

Effective 5/10/2016

63L-8-509 Suspension or termination -- Grounds -- Procedures applicable.

- (1) The following are grounds for suspension or termination of a land use authorization:
 - (a) abandonment; or
 - (b) noncompliance with:
 - (i) a provision of this chapter;
 - (ii) an applicable rule established by the DLM in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (iii) a term or condition of the land use authorization.
- (2) The director may terminate or suspend a land use authorization by providing notice to the land use authorization holder and, if required, an administrative proceeding, upon finding that:
 - (a) a condition described in Subsection (1) has been met; and
 - (b) the suspension or termination serves the best interest of:
 - (i) the citizens of the state; or
 - (ii) a land use plan established pursuant to Section 63L-8-202.
- (3) The administrative proceeding described in Subsection (2):
 - (a) shall be conducted according to rules established by the DLM, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) shall comply with Title 63G, Chapter 4, Administrative Procedures Act; and
 - (c) is not required if the land use authorization, by its terms, terminates on the occurrence of a fixed or agreed-upon condition, event, or time.
- (4) If the director determines that an immediate temporary suspension of activities within a land use authorization for violation of its terms and conditions is necessary to protect public health or safety or the environment, the director may abate the activities before an administrative proceeding.
- (5) Before commencing a proceeding to suspend or terminate a land use authorization, the director shall give written notice to the holder of the grounds for suspension or termination.
- (6)
 - (a) Except as provided in Subsection (6)(b), failure of the land use authorization holder to use the right-of-way for the purpose for which it was granted, issued, or renewed, for any continuous five-year period, shall constitute a rebuttable presumption of abandonment of the right-of-way.
 - (b) Where the failure of the holder to use the land use authorization for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances beyond the holder's control, the director is not required to commence proceedings to suspend or terminate the right-of-way.

Enacted by Chapter 317, 2016 General Session